IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7184 OF 2004

Savarkar Pratisthan Sangh, .. Petitioner

Vs

Smt. Upadhya Sulabha Sanmukh, .. Respondent

Mr.Jeetendra Sachdev, for the petitioner.

CORAM : DB.BHOSALE,J.

DATE : 6th September, 2004.

PC

1. Heard the learned counsel for the petitioner.

2. By this petition, the petitioner has impugned the order dated 11.6.2004 rendered by the Presiding Officer, School Tribunal, Kolhapur Region, Kolhapur, by which the restoration application filed by the respondent-employee, has been allowed and her appeal bearing no.165/1998 restored to its original number. Mr Sachdev, learned counsel for the petitioner submits that no sufficient cause had been shown for condonation of delay. I have perused the impugned order and the other material placed before me. It appears that the advocate of the respondent-teacher did not appear when the matter was called out on 20.6.2003. The advocate was present in the School Tribunal on 20.6.2003 and he left the Tribunal after the first Session. The petitioner has disputed the statement made in the application in respect of the Advocate for the respondent. The Tribunal, while restoring the appeal, held that the advocate was probably present as

claimed. It is further held that in any case, a litigant cannot be made to suffer for the lapse on the part of the advocate to appear in the case. In my opinion, the order of the Tribunal does not suffer from infirmity. The writ petition, therefore, fails and is dismissed as such.

(D.B.BHOSALE, J.)